IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

CRL.A.No. 104 of 2001()

CC.984/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA DT..18.11.2000.
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APPELLANT: COMPLAINANT

K.G.RAJAMMA, MADHU SADANAM,
KOZHENCHERRY.

BY ADV. SRI.B.RADHAKRISHNA PILLAI

RESPONDENTS: STATE AND ACCUSED
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1. **STATE OF KERALA, REP.BY**
   THE PUBLIC PROSECUTOR ,
   HIGH COURT OF KERALA, ERNAKULAM.

2. **M.G.SIVARAMAN NAIR, (ANIYAN PILLAI),**
   MADHAVASSERIL VEEDU, KANJIRAVELY,
   ARANMULA.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.104 of 2001-B

DATED THIS THE 10TH JULY 2007

JUDGMENT

The appellant is the complainant in C.C.No. 984/1998 in the file of the Judicial Magistrate of First Class-I, Pathanamthitta with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, she happened to be absent on account of her illness.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 9-8-2007. The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

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CRL.A. NO. 104 OF 2001-B

JUDGMENT

10-7-2007

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JUDGMENT

27-6-2007

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